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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,663

09/29/2003

Kevin J. Foreman

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EXAMINER

HUYNH, BA

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

12/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/673,663

**Applicant(s)**

FOREMAN ET AL.

**Examiner**

Ba Huynh

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 20-28 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #5,724,605 (Wissner).

- As for claims 1, 10: Wissner teaches a computer program product, comprising: a computer readable medium storing computer program instructions that, when processed by a computer, instruct the computer to perform a process for facilitating editing of a motion picture (see abstract), comprising: automatically generating in the computer system a sequence of clips representing the motion picture from a description (2:22-44, 6:25-29, 33-41) of the motion picture (“composition”), wherein each clip has an initial duration defined by the description of the motion picture (6:42-45, 10:10-); wherein the description of the motion picture comprises a sequence of shot descriptions, wherein each shot description includes the initial duration of a clip to be generated for the shot (5:27-39), receiving input from a user indicating instructions to associate motion video information stored in computer data files with clips in the automatically generated representation of the motion picture, and storing for each clip a reference to the associated data file and a time range of the motion video information from the associated data file (7:4-14, i.e., a data structure of the composition has no media data. 7:39-42, 8:22-31,

8:36-38); and updating the duration of each clip, in the automatically generated sequence of clips, to which motion video information is associated to correspond to the duration of the motion video information from the time range (14:29-49).

- As for claims 2, 21. The receiving input comprises: receiving input from the user to select a clip; and receiving input from the user to specify motion video information to be associated with the selected clip (14:39-49).
- As for claims 3, 5, 22, 24: Wissner discloses displaying an indication for a clip that has no motion video information associated with it (13:67-14:3).
- As for claims 4, 23: The receiving input comprises: receiving input from the user to select a clip; receiving input from the user instructing the computer to capture motion video information into a data file on the computer while the selected clip is selected; and associating the captured data file with the selected clip (14:29-49).
- As for claims 7, 25: The shot description includes a field for storing a reference to a single still image descriptive of the shot (5:53-54, 14:56-61).
- As for claims 8, 26. The shot description includes a field for storing in and out points identifying the shot (14:37-44).
- As for claims 9, 10, 27, 28: The shot description includes a field for storing text providing a tip for filming a shot during production (12:37-52).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-19, 29- 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wissner in view of Klingler.

- As for claims 11, 29: Wissner teaches a computer program product, comprising: a computer readable medium storing computer program instructions that, when processed by a computer, instruct the computer to perform a process for facilitating editing of a motion picture (see abstract), comprising: automatically generating in the computer system a sequence of clips representing the motion picture from a description (2:22-44, 6:25-29, 33-41) of the motion picture (“composition”), wherein each clip has an initial duration defined by the description of the motion picture (6:42-45, 10:10-); wherein the description of the motion picture comprises a sequence of shot descriptions, wherein each shot description includes the initial duration of a clip to be generated for the shot (5:27-39), wherein at least one shot description lacks a reference for a source of motion video information (13:67-14:3, 24:50-53); receiving input from a user indicating instructions to associate motion video information stored in computer data files with clips in the automatically generated representation of the motion picture, and storing for each clip a reference to the associated data file and a time range of the motion video information from the associated data file (7:4-14, i.e., a data structure of the composition has no media data. 7:39-42, 8:22-31, 8:36-38); and updating the duration of each clip, in the automatically generated sequence of clips, to which motion video information is associated to correspond to the duration of the motion video information from the time range (14:29-49). Wissner’s figure 4 discloses an editing interface, however fails to teach implementation of storyboard and timeline. However Klingler teaches displaying to a user a

storyboard on a display for the computer system according to the sequence of shots specified by the plan (project window 60) allowing the user to modify the representation of the plan in the computer system, and a timeline window 70 for editing. It would have been obvious to one of skill in the art, at the time the invention was made, to combine Klingler's implementation of storyboard and timeline interfaces to Wissner. Motivation of the combining is for visual planning and editing of the composition.

- As for claims 12, 30. The associating motion video information stored in the data files on the computer system with each clip comprises: receiving input from the user to select a clip; and receiving input from the user to specify motion video information to be associated with the selected clip (14:29-49).
- As for claims 13, 15, 31, 33: Wissner discloses displaying an indication for a clip that has no motion video information associated with it (13:67-14:3).
- As for claims 14, 32: The associating motion video information stored in the data files on the computer system with each clip comprises: receiving input from the user to select a clip; receiving input from the user instructing the computer to capture motion video information into a data file on the computer while the selected clip is selected; and associating the captured data file with the selected clip (each clip has a pointer to the physical location where motion video information associated with the clip can be captured into the sequencer data file, 14:29-49).
- As for claims 16, 34: The shot description includes a field for storing a reference to a single still image descriptive of the shot (5:53-54, 14:56-61).
- As for claims 17, 35: The shot description includes a field for storing a number identifying the shot (in and out points, 14:37-44).

- As for claims 18, 19, 36, 37: The shot description includes a field for storing text providing a tip for filming a shot during production (12:37-52).

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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